

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**GARY BUCY,**

Plaintiff,

v.

12cv287 JCH/RHS

**KARA THOMAS,**

Defendant.

**ORDER TO SHOW CAUSE**

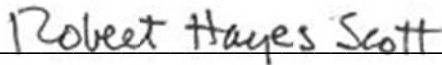
THIS MATTER comes before the Court *sua sponte*. For the reasons provided here, the Court orders Plaintiff to show cause on or before September 27, 2013 why the case captioned above should not be dismissed due to Plaintiff's failure to prosecute. Failure to show cause may result in dismissal without further notice.

Plaintiff filed a *pro se* Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 on March 21, 2012 (Doc. 1). On April 15, 2013, mail sent to Plaintiff at the Metropolitan Detention Center was returned as undeliverable (Doc. 17). Since then, Plaintiff has not made the Court aware of any current way to contact him. It appears that Plaintiff has been released from custody or transferred without advising the Court of his new address, as required by D.N.M.LR-Civ 83.6, and has therefore severed contact with the Court. Plaintiff's failure to comply with the Court's local rules demonstrates a manifest lack of interest in litigating his claims. See Martinez v. Internal Revenue Service, 744 F.2d 71, 73 (10th Cir. 1984); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962); Oklahoma Publishing Co. v. Powell, No. 78-1856, 1980 WL 6687, at \*2 (10th Cir. Mar. 7, 1980). Plaintiff will be required to show cause why his complaint should not be dismissed.

Additionally, in the Court's Order for Defendant to file a Martinez Report, the Court stated that Plaintiff would have thirty (30) days from the date of service of the Martinez Report to respond (Doc. 16 at 3). The Court also provided notice that "the Report may be used in

deciding whether to grant summary judgment on Plaintiff's civil rights complaint. Thus, the parties should submit any and all materials they consider relevant to the claims" (Doc. 16 at 3-4). Defendant filed her Martinez Report on June 7, 2013 (Doc. 20). More than ninety (90) days have passed since the filing of the Martinez Report, and Plaintiff has not responded. In fact, Plaintiff's last filing with this Court was on November 29, 2012 (Doc. 15), prior to mail sent to Plaintiff being returned as undeliverable.

Plaintiff is ordered to show cause, by filing a written document with the Court, as to why he has not been in contact with the Court since November 29, 2012. Plaintiff must show cause on or before September 27, 2013, or Plaintiff may face dismissal of the case in its entirety without further notice.

  
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ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE